

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 18, 2014**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Timothy J. Sargeant, Commissioner At-Large

The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

COMMISSION MATTERS

Chairman Murphy announced that the Planning Commission would host a seminar on Saturday, September 27, 2014, from 9:30 a.m. to 3:00 p.m. in the Board Conference Room of the Fairfax County Government Center, and stated that all were welcome to attend.

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Chairman Murphy announced that the Planning Commission's Telecommunications Committee had met earlier this evening, during which members reviewed the proposed Zoning Ordinance Amendment regarding Telecommunication Facilities: Modifications to Permit Antennas and Related Equipment on Existing or Replacement Utility Poles or Light/Camera Standards. He stated that the Planning Commission public hearing would take place on Wednesday, October 1, 2014, with the subsequent Board of Supervisors' hearing occurring on October 28, 2014.

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FS-H14-20 – VERIZON WIRELESS, 1864 Explorer Street [Northern Façade]

Commissioner de la Fe: Thank you, Mr. Chairman. I have a couple of 22 – or “feature shows” [*sic*] to recommend approval. They're both in Reston. They're both in the same – for the same building. It's the Reston Town Center Bowtie Cinema. The first one is FS-H14-20 and it's in the name of Verizon Wireless in 1864 Explorer Street – northern façade, and I WOULD MOVE THAT THE PLANNING COMMISSION AGREE WITH THE DIRECTOR OF PLANNING AND ZONING IN HIS DETERMINATION THAT THE MICROCELL ANTENNA INSTALLATION PROPOSED BY VERIZON WIRELESS, LOCATED ON THE NORTHERN FAÇADE OF THE EXISTING BOWTIE CINEMA BUILDING, ALONG FREEDOM DRIVE IN RESTON TOWN CENTER, IS SUBSTANTIALLY IN ACCORD WITH THE

RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO VIRGINIA SECTION 15.2-2232 [sic], AS AMENDED.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in FS-H14-20, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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FS-H14-24 – VERIZON WIRELESS, 1864 Explorer Street [Southern Façade]

Commissioner de la Fe: And the second one – since we took care of the northern façade, we will now take care of the southern façade. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION AGREE WITH THE DIRECTOR OF PLANNING AND ZONING’S DETERMINATION THAT THE MICROCELL ANTENNA INSTALLATION PROPOSED BY VERIZON WIRELESS LOCATED ON THE SOUTHERN FAÇADE OF THE EXISTING BOWTIE CINEMA BUILDING ALONG MARKET STREET IN RESTON TOWN CENTER IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to concur with the “feature shown” determination in FS-H14-24, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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FSA-Y00-44-2 – SIRIUS XM RADIO INC., 4000 Legato Road (Springfield District)

Chairman Murphy: And while we’re on a roll, there is a “feature shown” also in the Springfield District, which used to be the Sully District at one time, and this is for a small dish on the top of a building at 4000 Legato Road. It is a Sirius XM Radio dish and I WOULD MOVE THAT THE

PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” AMENDMENT
FSA-Y00-44-2.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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PA 2013-III-FC1(A) – AREA SUBURBAN CENTER STUDY, PHASE I AND S13-III-FC1 –
FAIRFAX CENTER LAND UNITS T, U, AND V (Braddock, Providence, Springfield, and
Sully Districts)

Chairman Murphy: Also scheduled this evening for public hearing are two amendments to the comprehensive plan in the Fairfax Center area. It's part of the area suburban center study phase one and 3 of the new program called Fairfax Forward. There are two sections of the Plan that were submitted for public hearing that deals with Plan amendments in the Braddock District and Springfield District, and both Supervisor [*sic*] Hurley and I agree that we would defer the public hearing this evening because the planning – the staff report was published that contains both these plan amendments in both districts – because there are four districts in Fairfax Center – and we both agreed that the public hearing should be deferred because we didn't have an opportunity to meet with our citizens; and in particular, the citizens in the Springfield District are quite vocal on this. It's a bit controversial and we've received many letters saying, “we didn't have a chance to comment on it.” So with that in mind, I would MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC SCHEDULED FOR THIS EVENING ON PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1 TO A DATE CERTAIN OF OCTOBER 22ND.

Commissioner Hurley: Second.

Chairman Murphy: Seconded by Ms. Hurley. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on those Plan amendments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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FSA-V06-1-2 – SPRINT, 2501 Parkers Lane

Chairman Murphy: WITHOUT OBJECTION, I WOULD MOVE THE CONSENT AGENDA ITEMS.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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MINUTES APPROVAL FOR JANUARY 2014/FEBRUARY 2014

Commissioner Hall: Thank you, Mr. Chairman. I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF JANUARY AND FEBRUARY 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: I was not in attendance for the February 5th and the February 19th, but I will only abstain on those two.

Commissioner Hall: Okay.

Chairman Murphy: All those in favor of the motion to approve the minutes, as articulated by Ms. Hall, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0 for all of the minutes except for February 5 and February 19. Commissioner Sargeant was absent from the meeting.

The motion carried by a vote of 10-0-1 for the minutes from February 5, 2014 and February 19, 2014, with Commissioner Flanagan abstaining from the vote. Commissioner Sargeant was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. CSP 2006-SU-007 – TIMBER RIDGE AT DISCOVERY SQUARE, INC.
2. SE 2014-SU-010 – CSH ARTISAN FAIRFAX, LLC

This agenda was accepted without objection.

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CSP 2006-SU-007 – TIMBER RIDGE AT DISCOVERY SQUARE, INC. – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2006-SU-007. Located on the W. side of Centreville Road, E. side of Air and Space Museum Pkwy., and approx. 400 ft. N. of Wall Road on approx. 18.89 ac. of land zoned PRM and WS. Tax Map 24-4 ((7)) 94, B, C, E, and F; and 24-4 ((1)) 6H. SULLY DISTRICT. PUBLIC HEARING.

Commissioner Litzenberger asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2006-SU-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 4TH, 2014.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2006-SU-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

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SE 2014-SU-010 – CSH ARTISAN FAIRFAX, LLC – Appl. under Sect. 3-104 of the Zoning Ordinance to permit a medical

care facility (assisted living). Located at 13622 Lee Jackson Memorial Hwy., Chantilly, on approx. 6.49 ac. of land zoned R-1, WS, and HC. Tax Map 34-4 ((1)) 60. SULLY DISTRICT. PUBLIC HEARING.

Scott Adams, Esquire, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated September 9, 2014.

There were no disclosures by the Commissioners.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-SU-010.

Referencing the memorandum from Sandy Stallman, Manager, Park Planning Branch, Planning and Development Division (PDD), Fairfax County Park Authority (FCPA), in Appendix 7 of the staff report, Commissioner Hart asked about the existing gravesite on the property and what would happen to it. Mr. O'Donnell explained that the applicant had hired an archaeological company to perform research, and said that the grave would likely be relocated to a nearby cemetery in Chantilly, Virginia. Commissioner Hart noted that the FCPA typically preferred to preserve and mark grave sites and asked if the FCPA concurred with the proposed relocation of this one. Anna Bentley, PDD, FCPA, stated that while the Park Authority typically preferred that a gravesite remain in place, relocation might be more appropriate if site conditions were inadequate or the grave hindered the development of the property on which it was located. Commissioner Hart asked if the Park Authority wanted to add anything to Development Condition Number 9 with regard to relocating the gravesite. Mr. O'Donnell stated that the development condition required the applicant to abide by all Virginia state laws and regulations with regard to relocating the grave and said that county staff was comfortable with the development condition language as written. Commissioner Hart asked if the gravesite was associated with a nearby historic property and should therefore have a marker. Ms. Bentley described the surrounding properties and stated that the Park Authority did not recommend either a marker or sign for the gravesite.

Commissioner Hart asked if the service drive in front of the nearby Shell station was a public right-of-way. Mr. O'Donnell explained that he understood that half of the road was in the public right-of-way while half belonged to the service station. A discussion ensued between Commissioner Hart and Mr. O'Donnell wherein it was determined that people could drive to the site using at least three of the nearby roadways.

Commissioner Litzenberger asked Mr. O'Donnell to summarize the requirements in Development Condition Number 13, Access Management Plan. Mr. O'Donnell explained that the condition directed all vehicles entering the site not to access the property through the adjacent residential neighborhoods. He also noted that permits would be obtained from the Virginia Department of Transportation (VDOT) to add signage along Downs Drive, adding that along with an emergency telephone number for citizens to call, staff was comfortable with the applicant's plan. Commissioner Litzenberger asked what might happen if the applicant, employees, contractors, and/or vendors failed to comply with the requirements in the

development condition. Mr. O'Donnell explained that citizens could file a complaint with Fairfax County's Department of Code Compliance ("Code Compliance"), who would inspect the site to determine whether the complaint was valid and then discuss mitigation strategies with the applicant. Code Compliance could then issue a notice of violation and, if the issue remained unresolved, the case would go through a litigation process, where possible fines might be issued to the applicant. He added that it could ultimately affect the applicant's occupancy permit.

Commissioner Flanagan and Mr. O'Donnell discussed the right-in/right-out access to the proposed development, wherein Mr. O'Donnell explained that the exit from Downs Drive would provide extra clearance, or safer distance, for drivers to react/respond to traffic as they approached the right turn left of the site. He added that no changes would occur to the adjacent development as a result of the proposed development. Commissioner Flanagan referenced the second paragraph of the first bullet, under Transportation Analysis in Appendix 6, and asked if staff planned to address vehicular access to the site upon receipt of the access management plan. Mr. O'Donnell said no, explaining that this paragraph simply detailed the concerns about vehicular access to the site and the final decision with regard to the right-in and right-out. He also noted that the trip generation from this development would be minimal during morning and afternoon peak hours.

Commissioner Hedetniemi expressed concern about the number of parking spaces, given the type of facility that was proposed. Mr. O'Donnell said that they were needed. When Commissioner Hedetniemi expressed additional concerns regarding the lack of specificity regarding access to and from the property, Mr. O'Donnell explained the focus was on the internal aspects of the site. He added, however, that there would be only 10 additional trips to the site and reiterated that there were several ways for drivers to reach the property from the roadway. Commissioner Hedetniemi asked if the internal circulation would be sufficient to allow for large trucks. Mr. O'Donnell confirmed that it would.

Mr. Adams stated that the facility would serve a rapidly expanding need for senior housing in the county and added that the proposed location was ideal for the facility, as it would provide a good transition to the nearby residential communities. He noted that while the proposed facility would need frontage onto the major road to provide visibility, it was designed to have a more residential feel so that it would be more in harmony with the surrounding community. He explained that the gravesite on the property was that of Mr. James Davis, who died in 1863. He added that he and the applicant had met several times with the great, great grandson of Mr. Davis and noted that they were also working with other descendants in the family to relocate the grave to the cemetery at Oakton Baptist Church of Chantilly, where other family members had been laid to rest. Addressing questions regarding the service drive, Mr. Adams noted that he believed that there was a public right to use it and said that in working with the service station owner as well as Supervisor Frey's Office to resolve concerns regarding its use, he was confident that it would provide the most convenient access to the site for people traveling east on Route 50. He said that the proposed access points would provide the best method for internal circulation and conflict reduction and echoed staff's earlier description regarding ways to reach the property. He also noted that the applicant had received from VDOT a corner clearance waiver for the turn onto Downs Drive at Route 50. He pointed out that a single access point into the property had been considered; however, it would have caused traffic and parking conflicts. He added that there would be minimal traffic impact with the use and said that the traffic generated by the proposed

use would be much less than if the site were developed by right with 12 single-family homes. Addressing the community concerns about neighborhood traffic, Mr. Adams stated that he agreed that neither vendors nor visitors to the facility should travel through the adjacent neighborhoods and added that a development condition had been added to specifically address those concerns. He also noted that provisions would also be in the vendors' contracts prohibiting them from driving through the surrounding neighborhoods as a result of the development condition. He stated that the project was in harmony with the surrounding neighborhood and would be an asset to Fairfax County.

Commissioner Hart asked if there was any dispute as to whether there was a public right to use the service drive. Mr. Adams said that he had found no evidence showing otherwise. He added that the Shell service station owner had expressed no intention of prohibiting traffic on it.

Commissioner Litzenberger asked Mr. Adams if the applicant understood the extent of the consequences if employees/vendors failed to comply with the provisions in Development Condition Number 13. Mr. Adams stated that the applicant was fully aware of the consequences.

Chairman Murphy asked whether the neighborhood streets were public or private. Mr. Adams said that they were public streets, maintained by VDOT.

Commissioner Lawrence expressed concern about drivers making left turns off of Route 50 to access the site, particularly since it was a major arterial in the county which experienced both high volumes of traffic as well as excess speeds. He suggested that visitors to the site drive past the site and go to controlled signals, where they could safely make a left turn, and then approach the site from a right turn. Mr. Adams noted that there was no direct left turn into the site off of Route 50 and noted that there was a traffic light at Chantilly Road, as suggested in the development condition. Commissioner Lawrence suggested that the applicant include that information in its information packet for visitors.

Commissioner Flanagan noted staff's concern about a possible "short cut" resulting from the approval by VDOT of a corner clearance waiver and asked Mr. Adams for reassurance that service vehicles turning right onto Downs Drive would still be able to turn right into the property in the event Route 50 were widened. Mr. Adams explained that the clearance was reviewed as part of the waiver approval and confirmed that vehicles would be able to turn into the site safely.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Lori Whetzel, 3921 Downs Drive, Chantilly, spoke in opposition to the application. She noted that she lived directly adjacent to the proposed site, saying that the residents would not be safe from the traffic generated by the facility if vehicles used Downs Drive, the service road in front of the service station, or the light at Chantilly Road to access the property. She noted that the development was narrow and would take up only a small portion of the six-acre site, as a creek ran across the property. She said that access to the facility would be within feet of several homes with small children. She pointed out that the roads were narrow and did not allow for more than one vehicle at a time. In addition, she noted that many of the residents had relatives with special needs, adding that anyone who walked or rode bikes in the neighborhood used the roads, since there were no sidewalks. She also noted that the residents drove considerably under the posted

speed limit because of blind corners, particularly at Birch Drive. She said that while the Sully District Planning Commissioner and the applicant had assured residents that safety was paramount and vehicles accessing the facility would not enter the adjacent neighborhoods, she questioned how either would be enforced. She pointed out that the turnover rate for certified nursing assistants in nursing home facilities was unusually high and said that ensuring adherence to Development Condition Number 13 would be very difficult. She expressed concern that the residents would be responsible for monitoring the neighborhood, rather than the applicant, to ensure that it remained safe. She pointed out that the service road was designed to meet the needs of the Shell station and to relieve some of the through traffic for the residential community, and was not intended to be a conduit for another business. She added that the drivers trying to access either the station or Route 50 from the service station rarely slowed down or stopped at the access points and did not stop for vehicles using the service road from the neighborhood, often causing accidents. She further added that vehicles were often left unattended in the service lanes while drivers went into the Shell station, which meant that residents had to use other routes to get to their homes. She feared that vehicles trying to reach the proposed facility would do the same. In addition, Ms. Whetzel pointed out that the speeds on Route 50 often exceeded the posted speed limit and feared that the increased traffic trying to reach the facility from Route 50 would increase the number of accidents. She requested that the Commission deny the application.

Commissioner Hall asked Ms. Whetzel why drivers might use Downs drive instead of the service drive. Ms. Whetzel said that the service drive was more dangerous and experienced more accidents.

Commissioner Hedetniemi asked Ms. Whetzel to indicate where her house was in relationship to the proposed site. Ms. Whetzel explained that she was directly next door, adding that she lived in the first house on Downs Drive.

Commissioner Flanagan asked Ms. Whetzel why she was concerned about traffic, given that the facility would generate a small number of trips. Ms. Whetzel explained that traffic could back up and become problematic very quickly. She reiterated her concerns regarding the lack of sidewalks, adding that there were also a number of visual impairments like trees, and said that the additional traffic would be dangerous.

Commissioner Hart asked Ms. Whetzel if she knew why cars might be unattended on the service road. She explained that the drivers were going into the Shell station.

Commissioner Litzenberger explained to Ms. Whetzel that the language in Development Condition Number 13 had been written as a result of comments she had made in committee meetings prior to this evening. When Ms. Whetzel asked how the condition would be enforced, he said that residents could photograph the offenders' license plates. He disagreed with Ms. Whetzel with regard to the neighborhood having to police the service vehicles and pointed out that the applicant would benefit more by complying to the restrictions in the condition since he could lose his occupancy permit.

Elinor Schneider, 3920 Downs Drive, Chantilly, spoke in opposition to the application, also citing traffic and safety issues. She expressed concern about patients from the facility wandering and said that the proposed location would not be safe for an Alzheimer's facility, given its

proximity to Route 50. She questioned the waiver of the 100-foot setback and suggested that the development might be too large for the proposed location.

Cary Paley, 3901 Chantilly Road, Chantilly, was also opposed to the application and noted that the area was a residentially zoned district. He said that the proposed development would not be appropriate and reiterated the safety and traffic concerns of the previous speakers. He noted his concern with regard to the applicant's lack of certainty with regard to the service road and traffic through the neighborhood and said that a law should be in place to ensure the residents' safety. He also expressed concern that new drivers approaching the turn at Birch Road would be unaware of the blind curve.

Chairman Murphy asked Mr. Paley why drivers would use Birch Road to reach the facility. Mr. Paley explained that there were cut-through turns on the service road from Route 50 for drivers to access the Shell station gasoline pumps, which caused conflicts with vehicles driving the service lanes to reach Downs Drive. In addition, he noted that the stop light at Chantilly Road was very short, which caused backups on the service drive, adding to those conflicts; hence, residents often used Birch Road to get home.

Commissioner Hall noted that neighborhoods with no sidewalks were fairly common throughout Fairfax County and said that she did not believe that the proposed facility would generate enough traffic to cause significant problems. When she asked staff if there were stop signs on the service road, Mr. O'Donnell said that there were three stop lights nearby to help alleviate traffic impacts from the development. Commissioner Hall pointed out that drivers turning off of Route 50 to stop at the service station might not know about traffic on the service road and suggested that stop signs be placed along the road. She again reassured Mr. Paley about traffic impacts and the safety of the facility. When Mr. Paley asked if this facility was appropriate for this location, Commissioner Hall explained that there were many facilities similar to the proposed development throughout the county. In addition, she said that the facility's residents would not wander and assured Mr. Paley that the nearby residents would not be responsible for them.

Mr. O'Donnell reiterated that one of the nearby stoplights provided enough time for stacked cars to make the necessary left turn to reach the facility. Commissioner Hall acknowledged that the traffic lights addressed some of the traffic issues; however, she pointed out that there was confusion on the service drive and that stop signs might help to alleviate it.

Commissioner Hart asked if it was possible to definitively determine whether the service road was public or private. Mr. O'Donnell stated that the applicant would be required to perform a title search. When Commissioner Hart asked what would happen if the application were approved without the use of the service road, Mr. O'Donnell said he did not know, adding that if the Planning Commission wished to impose the title search on the applicant, staff would concur.

Commissioner Lawrence suggested that Mr. Paley and his neighbors request speed bumps to help lower vehicle speeds in his area.

Commissioner Flanagan agreed with Commissioner Hall's suggestion of a stop sign on the service road. Mr. O'Donnell added that obtaining a written agreement from the owner of the

Shell station permitting the use of the service road would be another solution. Commissioner Flanagan explained to Mr. Paley that the proposed development would be an asset to his community. Mr. Paley stated that he was not opposed to the facility, but to the access on Downs Drive instead of Route 50. Commissioner Flanagan explained that county policy called for curb cuts on arterial roads to be closed whenever possible.

Commissioner Hurley asked Mr. Paley for clarification on accessing the property using the traffic signal at Chantilly Road. Mr. Paley reiterated his explanation regarding the use of Birch Road as opposed to the service road from the stoplight.

Commissioner Migliaccio expressed concern about the lack of information on the service road and said that a development condition requiring the imposition of a title search would be ideal. He added that without the search, the Shell station owner might have an unfair advantage over the applicant. Mr. Adams stated that he had done a preliminary title search, which showed that part of the service road had been dedicated to the county. He said that he was unable to find any dedication for the remainder of the road, adding that he had seen no documentation regarding public access but had received information from Supervisor Frey's Office that the service road was public. Commissioner Migliaccio pointed out that county staff had done its due diligence in gathering its information and said that the applicant should have done the same with a complete title search on the service road prior to this evening's hearing. Mr. Adams explained that there was no intention to leave this issue unaddressed and said that he had spoken with the Shell station owner, who also believed that the road was public. He stated that he would perform the title search to determine when or if the dedication occurred.

Commissioner Hall asked if the service drive might not be extended along Route 50 to provide access into the site from there, rather than from Downs Drive. Mr. Adams and Mr. O'Donnell explained that doing so would create more traffic conflicts than the access off of Downs Drive. Additionally, Mr. O'Donnell explained that with the extension road, drivers would experience the same issues as previously discussed.

Commissioner Lawrence suggested that Mr. Adams petition VDOT for extra green time at the stop lights for vehicles turning left off of Route 50. Mr. Adams said that he would do so.

John Ray, 13617 Birch Drive, Chantilly, spoke in opposition to the application. He pointed out that there was a sign just past the gas station that said "End State Maintenance." He also noted that the gas station used one lane of the service road as a state inspection lane, with a sign posted notifying drivers to line up on the road for the vehicle inspections. He added that at the beginning and end of every month, there were often approximately 15 cars unattended and in line for state inspections. He expressed concern about stormwater, noting that much of the site was located in a flood plain and flooded frequently into the residents' yards. He said that the development would exacerbate the existing drainage issues. He said that although his neighborhood was near Route 50, the noise from the traffic was buffered well because of the existing trees and foliage, which would be cleared for the proposed facility. He requested that the applicant extend the existing sound wall, which currently ended at the eastern portion of the lot, across the bridge and around and to the side of the building. He also requested that the existing bamboo groves on the eastern side of the lot be exempted from the remediation of invasive species, as this bamboo makes a huge difference blocking out the highway noise and shopping center lights.

Michael Vida, 13644 Birch Drive, Chantilly, spoke in opposition to the application. He noted that he was not opposed to the facility itself; however, he took issue with the commercial traffic the facility would generate. He expressed concern about the traffic through the neighborhood in the event the Shell station closed the service road. He suggested that a development condition be included to block-off Downs Drive completely and build a cul-de-sac that would separate Downs Drive from Route 50.

Chairman Murphy asked if people left their vehicles on the service drive overnight. Mr. Vida said he was unsure if they did or not.

Brent Kendrick, 3912 Downs Drive, Chantilly, opposed the application. He noted that there were not any "No Parking" signs along the service road, but noted that commercial vehicles did park overnight on it. He also noted that the Shell station owner maintained the road during the winter. He expressed concern about the number of employees during shift changes and said that traffic would be overwhelming when added to the traffic caused by the service vehicles, pharmaceutical representatives, and service vehicles. He stated that the area currently experienced overflow parking and questioned the proposed transportation plan.

Kevin Schneider, 3920 Downs Drive, Chantilly, spoke against the application, noting that he echoed the previous speakers' sentiments. He said that cars were often left in the service road lanes by people trying to sell their vehicles. He added that although the applicant had mentioned a 60 percent noise reduction at a previous meeting, he had not seen any report on it. He also pointed out that the applicant had provided no reports on the number of employees or traffic. In addition, he questioned the construction of the facility on only 2.5 acres of the 6-acre site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Adams, who reiterated that he was working with Supervisor Frey, who had made a commitment to the neighbors at the last community meeting that he was working with the service station owner to prohibit parking on that service drive. He pointed out that the Special Exception that was approved for that service station did not permit parking on the service drive and, therefore, the county would more quickly be able to put a stop to it. He noted that residents of the facility would not be driving and stated that the maximum number of employees onsite at any time would be 20; hence, the site might be over-parked. Addressing Mr. Ray's questions, Mr. Adams stated that the applicant would meet the new stormwater management requirements, noting that site and the stormwater facilities would have a 25 percent reduction over predevelopment levels. He also noted that he had discussed the existing bamboo onsite with the county's Urban Forester and said that some of the bamboo would remain on a portion of the Resource Protection Area (RPA).

Commissioner de la Fe asked Mr. Adams what a developer could build on the site by right. Mr. Adams explained that since it was in a residentially zoned district which called for one to two dwelling units per acre, a developer could potentially build up to 12 homes on the site. Commissioner de la Fe thanked the speakers and commended them for confining their remarks to land use issues.

Commissioner Hall asked why staff approved a waiver of the 100-foot setback. Mr. O'Donnell explained that the site was heavily encumbered by an RPA, which limited the buildable footprint.

He added that there was a 15-foot sanitary sewer easement along the entire northern boundary line prohibited the transitional screening to requirement standards. In addition, he said that, with the design parameters that he applicant proposed for the building, they would be erecting a barrier that was designed with masonry columns, as well as a board-on-board fence with landscaping on both sides of it. He stated that staff believed those treatments would act as the same requirement for the transitional screening.

Commissioner Ulfelder asked if the Fairfax County police could issue tickets to drivers who left vehicles unattended on the service road. Mr. Adams said that Supervisor Frey believed they could, adding that the same would apply if unattended vehicles were parked in “No Parking” zones. Commissioner Ulfelder expressed concern, however, about the enforcement of the private portion of the road and reiterated that the title issue must be resolved.

Commissioner Flanagan asked Mr. Adams to address the community concerns regarding traffic through the neighborhood. Mr. Adams stated that in accordance with the first two bullets in Development Condition Number 13, the employee orientation would restrict them from using any of the neighborhood streets.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this case.

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Chairman Murphy: Public hearing is closed; Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank all the residents that came out to express their concern and give us more ideas to look at. And I would like the staff and the applicant to figure out who owns that road. Can you do that in two weeks? Okay. In that case, Mr. Chairman, I MOVE THE PLANNING COMMISSION DEFER DECISION ONLY FOR SE 2014-SU-010 TO A DATE CERTAIN OF OCTOBER 1ST, 2014, WITH THE RECORD REMAINING OPEN FOR FURTHER WRITTEN COMMENT.

Commissioners Flanagan and Hall: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Ms. Hart – Ms. Hall. Well this is contagious over here.

Commissioner Hart: Yes, Frank started it.

Chairman Murphy: Is there a discussion of the motion? All those in favor of the motion –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: – to defer decision –

Commissioner Hall: Wait.

Chairman Murphy: Yes.

Commissioner Hart: I did want to discuss – I want to just ask a couple things. During the deferral to piggyback on what Commissioner Litzenberger said – I think – and what Commissioner Ulfelder said – we need to sort out the service drive because I think the use is going to be dependent on whether there's this in-and-out off of 50 or not. Who owns the service drive? Is it a service drive – is one question. And another question is should there be some sort of public ingress/egress easement or a modification to an existing easement if there isn't one already? I know we've done service stations where the approval was contingent on the applicant obtaining an easement or demonstrating to the County Attorney's office that an easement existed, but that easement might be a way of fixing something. And the third thing would be – I don't think we have the particulars of the SE conditions on the Service Station and what does that say? And because that seems to be – maybe impacts on this a little bit. If we could have that information, maybe that should be enforced. Maybe there's some enforcement issue like with the stacking line for the inspections probably shouldn't be there if that's the place where the cars have to go in and out. But those three things during the deferral, please.

Chairman Murphy: All those in favor of the motion to defer decision only on SE 2014-SU-010 to a date certain of October 1st, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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The meeting was adjourned at 10:16 p.m.

Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: March 26, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission